

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL PATRICK CONTORNO,)	
)	
Plaintiff,)	
)	No. 08 C 2737
v.)	
)	
CHICAGO POLICE DEPARTMENT(S), 51st &)	JUDGE DARRAH
Wentworth, SHERIFF OF COOK COUNTY,)	
UNKNOWN K-9 UNIT(S), CITY OF CHICAGO,)	
UNKNOWN ADMINISTRATIVE AUTHORITIES,)	
STATE OF ILLINOIS, UNKNOWN TRAFFIC,)	Magistrate Judge Cox
AUTHORITIES, and UNKNOWN OTHER)	
DEFENDANTS,)	
)	
Defendants.)	

**DEFENDANT CITY OF CHICAGO'S MOTION TO STAY ITS
ANSWER OR OTHER PLEADING TO PLAINTIFF'S COMPLAINT**

Defendant City of Chicago ("City"), by its attorney, Mara S. Georges, Corporation Counsel for the City of Chicago, respectfully moves for a stay of its answer or other pleading in response to Plaintiff's complaint until all unknown Chicago Police officers, as listed in the complaint caption, are named as defendants. In support of this motion, the City states the following:

1. Plaintiff filed his complaint on or about May 12, 2008. A copy of Plaintiff's complaint was delivered to the Chicago Police Department, located at 3510 South Michigan, on or about June 25, 2008.
2. Summons on the complaint was returned executed on June 25, 2005, thereby making the City's answer to the complaint due on July 15, 2008. However, service on the City of Chicago was not properly made as the complaint was not served upon the City Clerk's Office.

For the purposes of expediency of this matter, the City will waive service at this time.

3. Due to administrative delays, the case was not assigned to undersigned counsel for the City until July 31, 2008, making that date the first opportunity that undersigned counsel had to review Plaintiff's complaint.

4. Undersigned counsel is in the process of reviewing Plaintiff's complaint and gathering documents responsive to the complaint and that may identify any currently unnamed Chicago Police officers.

5. The City requests that its answer to the complaint be stayed until any and all unknown Chicago Police officers are identified and named as defendants. The City seeks a stay because there are no distinct and actionable claims against the City in Plaintiff's complaint. The City appears to be named as a defendant through a *respondeat superior* theory of liability only.

6. This motion is the City's first request for a stay for its answer or other pleading. This request is made not to delay the proceedings but rather to allow the City to respond properly to the allegations in Plaintiff's complaint once all City defendants are a part of the case.

WHEREFORE, Defendant City of Chicago respectfully requests that its answer to Plaintiff's complaint be stayed until all unknown Chicago Police officers are named as defendants; and for any other relief that this Honorable Court deems just and proper.

Respectfully submitted,

MARA S. GEORGES
Corporation Counsel
City of Chicago

BY: /s/ Thomas J. Aumann
THOMAS J. AUMANN
Assistant Corporation Counsel

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CERTIFICATE OF SERVICE

I hereby certify that I have caused true and correct copies of the above and foregoing **Notice of Motion** and **Defendant City of Chicago's Motion to Stay Its Answer or Other Pleading to Plaintiff's Complaint** to be served upon Michael Patrick Contorno, via U.S. mail, at the address listed in the foregoing notice, on this 31st day of July, 2008.

/s/ Thomas J. Aumann
THOMAS J. AUMANN
Assistant Corporation Counsel